No 163

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1969.

163.

JOHN A. DUNSCOMBE,
Appellant,

vs.

HAROLD C. SAYLE, As Administrator of the Estate of Walter D. Sayle, Deceased,
Appellee.

MOTION OF APPELLEE TO DISMISS APPEAL AND BRIEF IN SUPPORT THEREOF.

C. ROBERT BURNS,
205 Worth Avenue,
Palm Beach, Florida,
Counsel for Appellee.

E. L. MESENBRINK, INC., 1108 Oak Street, Kansas City 6, Mo. HARRISON 1-0040

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The appellee, HAROLD C. SAYLE, as Administrator of the Estate of Walter D. Sayle, Deceased, moves the Court to dismiss the appeal taken by the appellant, JOHN A. DUNSCOMBE, upon the following grounds:

1. *The appeal does not present any substantial federal questions.*

2. *The federal questions sought to be reviewed were not timely or properly raised or expressly passed on.*

3. *The judgments from which the appeal is taken rest on an adequate non-federal basis.*

ARGUMENT.

A mere glance at the questions presented by this appeal as set forth in the Notice of Appeal and in appellant's Jurisdictional Statement show they are completely devoid of any federal significance.

No federal questions were raised below and obviously none were passed upon since the judgment of the Supreme Court of Florida consisted of two words "Certiorari denied"[1] and the judgment of the District Court of Appeal consisted of two words "Appeal dismissed."[2]

The two judgments had to do solely with a question of state law with no federal significance of any kind.

Wherefore, the appellee respectfully moves that the appeal herein be dismissed.

C. ROBERT BURNS,
205 Worth Avenue,
Palm Beach, Florida,
Counsel for Appellee.

1. 119 So.2d 791.
2. 117 So.2d 250.